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Attorney for Plaintiff  
*Clarissa Dix*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CLARISSA DIX,

Plaintiff,

v.

AD ASTRA RECOVERY SERVICES,  
INC,

Defendant.

Civil Action No.: \_\_\_\_\_

**COMPLAINT**

For this Complaint, Plaintiff Clarissa Dix, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. ("FDCPA"), and the

1 harassment of Plaintiff by Defendant in its illegal efforts to collect a consumer  
2 debt. Jurisdiction is therefore proper in this Court pursuant to 28 U.S.C. § 1331.

3 2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.

4  
5 3. Venue is proper in the U.S. District Court for the District of Nevada  
6 pursuant to 28 U.S.C. § 1391(b), as Defendant transacts business in the State of  
7 Nevada.  
8

9 **PARTIES**

10 4. Plaintiff Clarissa Dix (“Plaintiff”) is an adult individual residing in  
11 Las Vegas, Nevada, and is a “consumer” as the term is defined by 15 U.S.C. §  
12 1692a(3).  
13

14 5. Upon information and belief, Defendant Ad Astra Recovery Services,  
15 Inc (“Ad Astra”) is doing business in the State of Nevada as a licensed collection  
16 agency.  
17

18 6. Ad Astra holds itself out in the community as collecting and servicing  
19 the unpaid debts from third-party creditors and its primary business is the  
20 collection of debts.  
21

22 7. As Astra is a “debt collector” as the term is defined by 15 U.S.C. §  
23 1692a(6).  
24

25 **ALLEGATIONS APPLICABLE TO ALL COUNTS**

26 **A. The Debt**  
27  
28

1           8.     Plaintiff allegedly incurred a financial obligation (“Debt”) to Rapid  
2 Cash (“Original Creditor”).

3           9.     The Debt arose from a personal loan from Rapid Cash to Plaintiff,  
4 which was incurred to help Plaintiff cover shortfalls in Plaintiff’s living expenses  
5 and was primarily for family, personal, or household purposes.

6           10.    The Debt meets the definition of a “debt” under 15 U.S.C. § 1692a(5).

7           11.    The Debt was purchased, assigned, or transferred to Ad Astra for  
8 collection, or Ad Astra was employed by the Original Creditor to collect the Debt.

9           12.    Ad Astra attempted to collect the Debt, sending collection letters to  
10 Plaintiff demanding the payment in the amount of \$1,262.55. As such, Ad Astra  
11 engaged in “communications” as defined in 15 U.S.C. § 1692a(2).

12           13.    Ad Astra identified Plaintiff’s collection account with the following  
13 partial account number: \*\*\*\*\*6468.

14  
15  
16  
17  
18  
19 **B. Ad Astra’s Harassment, Oppression and Abusive Collection Conduct**

20  
21           14.    On September 24, 2020, Plaintiff filed for Chapter7 Bankruptcy in US  
22 Bankruptcy Court for the District of Nevada. Plaintiff’s case was assigned number  
23 20-14757-nmc (“Bankruptcy”).

24           15.    Plaintiff scheduled the Debt in the Bankruptcy. *See* Bankruptcy  
25 Schedule E/F (Creditor Nos. 4.2 & 4.3), which appears on the Bankruptcy Court  
26  
27  
28

docket as ECF No. 1.

4.2	AD ASTRA RECOVERY SERVICES, INC.	Last 4 digits of account number	6468	\$1,262.55
Nonpriority Creditor's Name		When was the debt incurred?		
7330 WEST 33RD STREET NORTH		10/01/2019		
Number Street		As of the date you file, the claim is: Check all that apply.		
SUITE #110		<input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed		
WICHITA KS 67205		Type of NONPRIORITY unsecured claim:		
City State ZIP Code		<input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify Collection Agency		
Who incurred the debt? Check one.				
<input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another				
<input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				
4.3	AD ASTRA RECOVERY SERVICES, INC.	Last 4 digits of account number	1187	\$249.98
Nonpriority Creditor's Name		When was the debt incurred?		
7330 WEST 33RD STREET NORTH		10/01/2019		
Number Street		As of the date you file, the claim is: Check all that apply.		
SUITE #110		<input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed		
WICHITA KS 67205		Type of NONPRIORITY unsecured claim:		
City State ZIP Code		<input type="checkbox"/> Student loans <input type="checkbox"/> Obligations arising out of a separation agreement or divorce that you did not report as priority claims <input type="checkbox"/> Debts to pension or profit-sharing plans, and other similar debts <input checked="" type="checkbox"/> Other. Specify Collection Agency		
Who incurred the debt? Check one.				
<input checked="" type="checkbox"/> Debtor 1 only <input type="checkbox"/> Debtor 2 only <input type="checkbox"/> Debtor 1 and Debtor 2 only <input type="checkbox"/> At least one of the debtors and another				
<input type="checkbox"/> Check if this claim is for a community debt Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes				

16. Ad Astra received notice of the Bankruptcy through the Bankruptcy Court's BNC noticing system. *See* Bankruptcy ECF No. 8.

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United States Bankruptcy Court  
District of Nevada

In re:  
CLARISSA TRUCE DIX  
Debtor

Case No. 20-14757-nmc  
Chapter 7

### CERTIFICATE OF NOTICE

District/off: 0978-2

User: admin  
Form ID: 309A

Page 1 of 1  
Total Noticed: 23

Date Rcvd: Sep 25, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 27, 2020.

db +CLARISSA TRUCE DIX, 2635 WYANDOTTE STREET #4, LAS VEGAS, NV 89102-6434  
11295425 +AD ASTRA RECOVERY SERVICES, INC., 7330 WEST 33RD STREET NORTH, SUITE #110,  
WICHITA, KS 67205-9370

17. On December 29, 2020, the Bankruptcy Court entered an order of discharge in the Bankruptcy. *See* Bankruptcy ECF No. 12.

18. Ad Astra received notice of Plaintiff's discharge, again through the

Bankruptcy Court's BNC noticing system. *See* Bankruptcy ECF No. 13.

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United States Bankruptcy Court  
District of Nevada

In re:  
CLARISSA TRUCE DIX  
Debtor(s)

Case No. 20-14757-nmc  
Chapter 7

### CERTIFICATE OF NOTICE

District/off: 0978-2  
Date Rcvd: Dec 29, 2020

User: admin  
Form ID: 318

Page 1 of 2  
Total Noticed: 23

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 31, 2020:

Recip ID	Recipient Name and Address
db	+ CLARISSA TRUCE DIX, 2635 WYANDOTTE STREET #4, LAS VEGAS, NV 89102-6434
aty	+ CHAD M. GOLIGHTLY, FAIR FEE LEGAL SERVICES, 8665 SOUTH EASTERN AVE, STE 101, LAS VEGAS, NV 89123-2802
11295425	+ AD ASTRA RECOVERY SERVICES, INC., 7330 WEST 33RD STREET NORTH, SUITE #110, WICHITA, KS 67205-9370

19. Ad Astra knew or should have known that a discharge in Plaintiff's Bankruptcy operated as an injunction against the commencement or continuation of any action or any act to collect, recover or offset the Debt against Plaintiff as a personal liability of Plaintiff. *See* 11 U.S.C. § 524(a)(2).

20. Additionally, the Order of Discharge in Plaintiff's Bankruptcy constitutes written communications on behalf of Plaintiff directing Ad Astra to cease all contact and communications with Plaintiff about the Debt.

21. However, despite Ad Astra's knowledge of the discharge of the Debt, Ad Astra engaged in intentional and willful collections tactics in an effort to collect the Debt from Plaintiff after notice of the discharge.

22. Specifically, Ad Astra sent two collection letters to Plaintiff, dated February 1, 2021, demanding Plaintiff pay \$1,262.55 and \$249.98 on the (now

discharged) Debt threatening to report negative credit information to a credit reporting agency, as shown below:



Suite 118  
7330 W. 33rd Street N.  
Wichita, KS 67205  
Telephone 866-398-2089  
Fax 316-771-8880

02/01/2021

File #: [REDACTED]

Dear Clarissa Dix,

As you may know the balance on your Installment Bankline Loan with Rapid Cash remains unpaid and has been placed with this agency for recovery. Be advised that this agency has made multiple attempts to contact you and attempt to arrange for payment on this debt. Your account remains past due, with a balance due as set forth below:

Total Amount Due: \$1,262.55

You are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Please send payment with this notice or contact our office immediately for payment arrangements.

If there is some reason why you are unable to remit your payment, please call us and let's discuss the problem. We still may be able to set up a payment arrangement that will work for both of us.

**This communication is from a debt collector, this is an attempt to collect a debt and any information obtained will be used for that purpose.**

Sincerely,

Ad Astra Recovery Services Inc.



Suite 118  
7330 W. 33rd Street N.  
Wichita, KS 67205  
Telephone 866-398-2089  
Fax 316-771-8880

02/01/2021

RECEIVED

File #: [REDACTED]

Dear Clarissa Dix,

As you may know the balance on your Installment Bankline Loan with Rapid Cash remains unpaid and has been placed with this agency for recovery. Be advised that this agency has made multiple attempts to contact you and attempt to arrange for payment on this debt. Your account remains past due, with a balance due as set forth below:

Total Amount Due: \$249.98

You are hereby notified that a negative credit report reflecting on your credit record may be submitted to a credit reporting agency if you fail to fulfill the terms of your credit obligations.

Please send payment with this notice or contact our office immediately for payment arrangements.

If there is some reason why you are unable to remit your payment, please call us and let's discuss the problem. We still may be able to set up a payment arrangement that will work for both of us.

This communication is from a debt collector, this is an attempt to collect a debt and any information obtained will be used for that purpose.

Sincerely,

Ad Astra Recovery Services Inc.

23. At the time Ad Astra willfully sent these two collection letters to Plaintiff, Ad Astra knew Plaintiff's personal liability on the Debt has been discharged and that Ad Astra had no basis or grounds to collect \$1,262.55 and \$249.98 from Plaintiff or report ongoing balances owed with a credit reporting agency.

24. Alternatively, Ad Astra's conduct was reckless and/or negligent in sending the two demand letters to Plaintiff, demanding payment of a Debt in an amount that was not owed and threatening credit reporting actions that were inaccurate and incorrect and that could not legally be taken.

///

**C. Plaintiff Suffered Actual Damages**

25. Plaintiff has suffered and continues to suffer actual damages as a result of Ad Astra's unlawful conduct.

26. As a direct consequence of Ad Astra's acts, practices, and conduct, Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration, and embarrassment.

27. Plaintiff also feels the benefit of the Bankruptcy has been lost, as Ad Astra continues to harass her into paying a debt she no longer owes.

28. Plaintiff has had to retain the services of an attorney to stop Ad Astra's harassment, oppression and abusive debt collection conduct.

**COUNT I**  
**VIOLATIONS OF THE FDCPA - 15 U.S.C. § 1692, et seq.**

29. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

30. Defendant's conduct violated 15 U.S.C. § 1692c(c) in that Defendant engaged in communication with Plaintiff after written notification that Plaintiff refuses to pay the Debt, or that Plaintiff requested Defendant to cease communication with Plaintiff.

31. Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant



1 engaged in false, deceptive, or misleading behavior in connection with the  
2 collection of a debt, falsely asserting that Plaintiff owed \$1,262.55 and \$249.98 on  
3 the Debt for which Plaintiff had no personal liability, threatening to report  
4 inaccurate and incorrect credit information to credit reporting agencies, and  
5 continuing to send communications and contact Plaintiff about the Debt despite  
6 receiving the Order of Discharge directing that all further communications about  
7 the Debt cease.  
8

9  
10 32. Defendant's conduct violated 15 U.S.C. § 1692e(2) in that Defendant  
11 misrepresented the amount of the Debt owed by Plaintiff and attempted to have  
12 Plaintiff pay more than the Debt owed to Creditor.  
13

14  
15 33. Defendant's conduct violated 15 U.S.C. § 1692e(5) in that Defendant  
16 threatened to take action against Plaintiff which it could not legally take or did not  
17 intend to take in collection of a debt.  
18

19 34. Defendant's conduct violated 15 U.S.C. § 1692e(8) in that Defendant  
20 communicated or threatened to communicate false credit information in an attempt  
21 to collect the Debt.  
22

23 35. The foregoing conduct relating to these FDCPA claims is not  
24 predicated on a violation of a discharge order, nor does Plaintiff seek relief for  
25 violation of a discharge order. Conversely, these FDCPA claims are predicated on  
26 Defendant's misrepresentations of the amount owed through Defendant's  
27  
28

1 collection communications and debt collection efforts regarding the Debt.

2 36. Unlike the plaintiff in *Walls v. Wells Fargo Bank, N.A.*, 276 F.3d 502  
3 9th Cir. 2002), Plaintiff herein is not alleging under this Count that Defendant  
4 engaged in unfair and unconscionable collection practices, which are forbidden by  
5 the FDCPA, by trying to collect a debt in violation of the discharge injunction.  
6 Instead, Plaintiff raises an entirely different claim based on Defendant's  
7 misrepresentation of the amount actually owed on the Debt, which is a legally and  
8 factually distinct claim from Walls' allegations of FDCPA violations flowing from  
9 a creditor's discharge violations. Neither is Plaintiff seeking redress under any  
10 provision of the Bankruptcy Code as none exists to provide a remedy for  
11 Defendant's collection misrepresentations.

12 37. Plaintiff is not seeking a private right of action under the Bankruptcy  
13 Code as there is no independent basis under the Bankruptcy Code to provide  
14 redress to Plaintiff for Defendant's misrepresentation of the correct and lawful  
15 amount of the Debt.

16 38. Plaintiff also does not suggest that the Bankruptcy Code may be used  
17 to create substantive rights for a private right of action thereunder for Defendant's  
18 FDCPA collection violations. These FDCPA claims are remote from the  
19 Bankruptcy Code and operate as their own independent claims under non-  
20 bankruptcy law.

1           39. The foregoing acts and omissions of Defendant constitute numerous  
2 and multiple violations of the FDCPA, including every one of the above-cited  
3 provisions.

4  
5           40. Plaintiff is entitled to damages as a result of Defendant's violations.

6           41. Plaintiff has been required to retain the undersigned as counsel to  
7 protect his legal rights to prosecute this cause of action, and is therefore entitled to  
8 an award of reasonable attorneys' fees plus costs incurred.  
9

10  
11                           **PRAYER FOR RELIEF**

12           **WHEREFORE**, Plaintiff prays that judgment be entered against Defendant,  
13 awarding Plaintiff:  
14

15                           **COUNT I.**

16  
17                           **VIOLATIONS OF 15 U.S.C. § 1692**

18           1. actual damages including, but not limited to, the emotional distress  
19

20           Plaintiff has suffered (and continues to suffer) as a result of the  
21 intentional, reckless, and/or negligent FDCPA violations pursuant to 15  
22 U.S.C. § 1692k(a)(1);  
23

24           2. statutory damages of \$1,000.00 pursuant to 15 U.S.C. §  
25 1692k(a)(2)(A);  
26

27           3. punitive damages; and  
28

1 4. any other and further relief that the Court may deem just and proper.

2 **TRIAL BY JURY DEMANDED ON ALL COUNTS**

3  
4 Dated: February 16, 2021

5 Respectfully submitted,

6  
7 By /s/ David Krieger, Esq.  
8 David Krieger, Esq.  
9 Nevada Bar No. 9086  
10 Shawn Miller, Esq.  
11 Nevada Bar No. 7825  
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